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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,729	02/22/2002	Mark Kenneth Eyer	80398.P485	8355

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EXAMINER	
CHOU, ALBERT T	

ART UNIT	PAPER NUMBER
2416	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/080,729	EYER, MARK KENNETH	
	Examiner	Art Unit	
	ALBERT T. CHOU	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/19/2009 for RCE*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's Amendments/Remarks filed on February 19, 2009 have been entered. Claims 1, 5, 8, 10, 12 and 14-20 have been amended. No claims have been added or canceled. Claims 1-26 are pending in this application, with claims 1, 5, 8, 14, 17 and 21 being independent.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-11 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process.

For example, a method comprising "*selecting transport packets …. that include a Program Clock Reference (PCR) and audio transport packets from a Transport Stream; and delivering only the selected audio transport packets and the selected PCR transport*

packets to an audio processor" in claim 5, or " *selecting from a full Transport Stream on12 packets having an Adaptation Field and a Program Clock Reference (PCR) sample; and selecting audio packets from the full Transport Stream*" in claim 8, is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

Dependent claims 6-7 and 9-13 depend, either directly or indirectly, from claims 5 and 8, respectively. Thus claims 6-7 and 9-13 are rejected on the same ground of rejection as to claims 5 and 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,185,228 to Takashimizu et al. (hereinafter "Takashimizu") in view of US Patent Application Pub. No. 2005/02101390 A1 by Kikuchi et al. (hereinafter "Kikuchi") and further in view of US Patent No. 5,805,602 to Cloutier et al. (hereinafter "Cloutier")

Regarding claims 1, 8, 14, 17 and 21, Takashimizu teaches an apparatus, a method and a computer-readable medium **[Fig. 1; A digital broadcasting signal receiving apparatus; col. 3, line 46 – col. 4, line 19, 32-56]**, comprising:

a first circuitry coupled to select transport packets from a Transport Stream **[Fig. 3, step 201; input desirable logical channel, i.e. a transport stream combining video and audio information; col. 5, lines 12-17]**, the selected packets being those identified with a Program Clock Reference Packet Identifier (PCR PID) and to select from the Transport Stream transport packets identified with audio Packet Identifiers **[Figs. 1 & 3, step 208; Acquire PIDs of video, audio and PCR which constitute program; col. 5, line 59-61]**; and

a second circuitry coupled to deliver the selected transport packets to an audio processor **[Figs. 1 & 3, step 209; desirable video and audio streams are entered into the MPEG2 decoder 405 so as to be decoded therein; col. 5, lines 63-65]**.

Though Takashimizu teaches selecting video, audio and PCR transport packets and delivering the video, audio and PCR transport packets to the MPGE2 decoder/audio processor, Takashimizu does not expressly teach the selected packets being *only* those identified with a PCR ID and that include a PCR sample in an adaptation field, and to deliver *only* the selected transport packets to an audio processor.

Kikuchi, in the similar field of endeavor, teaches an MPEG2 decoder 200 comprising of selecting transport packets from a Transport Stream **[Fig. 2B; para.**

0050-0051], the selected transport packets being *only* the transport packets that include a Program Clock Reference (PCR) and audio transport packets **[Fig. 2B; The Multiplex Data Separation Unit 202 derives PCR and audio data from each TS packet; para. 0051-0053]**; and

delivering *only* the selected audio transport packets and the selected PCR transport packets to an audio processor **[Fig. 2B; The Multiplex Data Separation Unit 202, coupling Audio Compressed Data Depacketing Circuit 203 and Preference Time Recovery Circuit 205, delivers only the selected audio and PCR packets to Audio Data Decoding Circuit 206; para. 0051-0053]**.

Cloutier teaches a jitter correction device 122 as receiving an MPEG-encoded data stream carrying Program Clock Reference (PCR) data. The jitter correction device 122 comprises a PCR detector 124 that detects each occurrence of a PCR value in the MPEG stream **[Fig. 3; col. 14, lines 40-67]**. The PCR detector 124 identifies the occurrence of the PCR value in the optional adaptation field by reading the adaptation field control 150e to determine whether an optional adaptation field is present. If the 2-bit adaptation field control 150e identifies the presence of the optional adaptation field 152, the PCR detector 124 checks the PCR flag in the flag portion 152b to determine whether the PCR value is present. If the PCR flag indicates that the PCR value is present, the PCR detector outputs the PCR detection signal (EN) and reads the PCR value from the PCR field 152c **[Figs. 3-4; col. 16, lines 1-16]**.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to recognize that Takashimizu's MPEG2 decoder 405 may

indeed perform, or may be modified to perform, the same decoding steps and functions as disclosed by Kikuchi's MPEG2 decoder 200 - namely, delivering *only* the selected audio transport packets and the selected PCR transport packets to an audio processor, since both inventions are closely related arts and both are directed to the process of decoding of MPEG2 /audio/PCR transport packets.

Furthermore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the function of the jitter correction device 122 or the PCR detector 124 into Takashimizu's receiving apparatus.

The motivation for combining the reference teachings of Kikuchi and Cloutier would be not only to enable Takashimizu's receiving apparatus to identify the occurrence of the PCR value in the optional adaptation field by reading the adaptation field control 150e to determine whether an optional adaptation field is present but also to enable Takashimizu's receiving apparatus to initiate corrective action in response to the detected jitter.

Regarding claims 2, 9, 18 and 22, Takashimizu teaches the first circuitry is further coupled to select from the Transport Stream packets identified with a Program Association Table Packet Identifier (PAT PID) **[Figs. 1 & 3, step 201-203; Receive and select Transport Stream packets identified with a PAT ID; col. 5, lines 24-36]**.

Regarding claims 3, 10 19 and 23, Takashimizu teaches the first circuitry is further coupled to select from the Transport Stream packets identified with a Program

Map Table Packet Identifier (PMT PID) corresponding to a selected MPEG-2 program **[Figs. 1 & 3, step 207; Acquire PID of Program Map Table PMT to receive PMT corresponding to the selected MPEG-2 program; col. 5, lines 44-65]**.

Regarding claim 4, Takashimizu teaches the apparatus further comprising a third circuitry coupled to deliver video transport packets to a video processor **[Figs. 1 & 3, steps 208-209; the decoded video signal is processed via the OSD 408 by the NTSC encoder 406, a video processor; col. 5, line 66 – col. 6, line 6]**.

Regarding claims 11, 20 and 24, Takashimizu, in view of Kikuchi and Cloutier, teaches the method wherein selecting from the full Transport Stream packets having an Adaptation Field and a Program Clock Reference (PCR) further comprises selecting from the full Transport Stream one or more packets identified with audio Packet Identifiers **[Figs. 1 & 3, steps 208-209; Acquire PIDs of audio data and enter the audio data into D/A Converter 407, an audio processor; col. 5, line 44 - col. 6 line 6]**.

Regarding claims 12, 15 and 25, Takashimizu, in view of Kikuchi and Cloutier, teaches delivering the packets having an Adaptation Field and a Program Clock Reference (PCR) and the audio packets to an audio processor across at least one of a bandwidth-limited link or a Bluetooth link **[Takashimizu: Fig. 1; D/A converter 407 outputs the audio signal via a bandwidth limited analog link to TV 410].**

Regarding claims 13, 16 and 26, Takashimizu, in view of Kikuchi and Cloutier, teaches delivering the full Transport Stream to a video processor across a high-speed serial bus **[Takashimizu: Fig. 1; It would have been obvious to one skill in the art to recognize that MPEG-2 video signal processed via OSD 408 by the NTSC Encoder 406 is delivered across a high-speed series bus with a rate in Mbits, since MPEG-2 is based on 27 MHz oscillator; Cloutier: col. col. 9, line 33 - col. 10, line 5]**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,185,228 to Takashimizu et al. (hereinafter "Takashimizu") in view of US Patent Application Pub. No. 2005/02101390 A1 by Kikuchi et al. (hereinafter "Kikuchi")

Regarding claim 5, Takashimizu teaches a method, comprising:

selecting transport packets from a Transport Stream **[Fig. 3, step 201; input desirable logical channel, i.e. a transport stream combining video and audio**

information; col. 5, lines 12-17], the selected transport packets being the transport packets that include a Program Clock Reference (PCR) and audio transport packets **[Figs. 1 & 3, step 208; Acquire PIDs of video, audio and PCR which constitute program; col. 5, line 59-61]**; and

delivering the selected audio transport packets and the selected PCR transport packets to an audio processor **[Figs. 1 & 3, step 209; desirable video and audio streams are entered into the MPEG2 decoder 405 so as to be decoded therein; col. 5, lines 63-65]**.

Though Takashimizu teaches a method of selecting video, audio and PCR transport packets and delivering the video, audio and PCR transport packets to the MPGE2 decoder/audio processor, Takashimizu does not expressly teach the selected transport packets being *only* the transport packets that include a Program Clock Reference (PCR) and audio transport packets and delivering *only* the selected audio transport packets and the selected PCR transport packets to an audio processor.

Kikuchi, in the similar field of endeavor, teaches an MPEG2 decoder 200 comprising of selecting transport packets from a Transport Stream **[Fig. 2B; para. 0050-0051]**, the selected transport packets being *only* the transport packets that include a Program Clock Reference (PCR) and audio transport packets **[Fig. 2B; The Multiplex Data Separation Unit 202 derives PCR and audio data from each TS packet; para. 0051-0053]**; and

delivering *only* the selected audio transport packets and the selected PCR transport packets to an audio processor **[Fig. 2B; The Multiplex Data Separation Unit**

202, coupling Audio Compressed Data Depacketing Circuit 203 and Preference Time Recovery Circuit 205, delivers only the selected audio and PCR packets to Audio Data Decoding Circuit 206; para. 0051-0053].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to recognize that Takashimizu's MPEG2 decoder 405 may indeed perform, or may be modified to perform, the same decoding steps and functions as disclosed by Kikuchi's MPEG2 decoder 200 - namely, delivering *only* the selected audio transport packets and the selected PCR transport packets to an audio processor, since both inventions are closely related arts and both are directed to the process of decoding of MPEG2 /audio/PCR transport packets.

Regarding claim 6, Takashimizu teaches the method further comprising selecting from the Transport Stream packets identified with a Program Association Table Packet Identifier (PAT PID) **[Figs. 1 & 3, step 201-203; Receive and select Transport Stream packets identified with a PAT ID; col. 5, lines 24-36]**.

Regarding claim 7, Takashimizu teaches the method further comprising selecting from the Transport Stream packets identified with a Program Map Table Packet Identifier (PMT PID) corresponding to a selected MPEG-2 program **[Figs. 1 & 3, step 207; Acquire PID of Program Map Table PMT to receive PMT corresponding to the selected MPEG-2 program; col. 5, lines 44-65]**.

Response to Remarks

5. Applicant's Remarks filed February 19, 2009 regarding the rejection of claims 1, 5, 8, 14, 17, 21 and their respective dependent claims in the application have been fully considered but are moot in view of new grounds of rejection.

6. In light of Applicant's amendments, the Rejection of claims 5-7 under 35 U.S.C. 112, first paragraph has been withdrawn.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham, can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Albert T Chou/

Examiner, Art Unit 2416

March 24, 2009